



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 3058**  
Horst Georg ZERBE et al. : Attorney Docket No. 2004\_0189  
Serial No. 10/771,388 : Group Art Unit 1614  
Filed February 5, 2004 : Examiner Lezah W. Roberts  
WATER SOLUBLE FILM FOR ORAL : **Mail Stop: Amendment**  
ADMINISTRATION WITH  
INSTANT WETTABILITY

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**REQUEST FOR NEW OFFICE ACTION**  
**AND**  
**RESETTING DATE FOR RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED  
TO CHARGE ANY DEFICIENCY IN THE  
FEE FOR THIS PAPER TO DEPOSIT  
ACCOUNT NO. 23-0975.

Sir:

Beginning on page 5 of the Office Action, the Examiner repeats several of the prior art rejections set forth in the Office Action of January 5, 2007, and indicates that these rejections are being maintained because Applicants have not supplied an argument or made reference to the previously filed remarks in the After Final Amendment filed May 4, 2007 (the Amendment was actually filed April 4, 2007) in view of the Examiner's remarks in the Advisory Action. However, the RCE form (item 1) filed June 5, 2007 expressly requests entry and consideration of the amendments/reply filed April 4, 2007. Furthermore, the Advisory Action states that Applicants could perhaps specify that the pharmaceutically active agent be able to cross the mucosa upon administration in order for the claims to be in possible condition for allowance. This amendment was in fact made in the Amendment filed with the RCE. Considering the Examiner's statement

that this would possibly place the application in condition for allowance, there was no apparent reason to further discuss any of the previously applied references.

On this basis, Applicants respectfully request that the Examiner issue a new Office Action taking these matters into account. [It would appear that none of the rejections on pages 5 and 6 of the present Office Action should apply, since Applicants have amended the claims in a manner which, according to the Examiner, would place the claims in possible condition for allowance.]

Applicants also request that the date for responding to the Office Action be reset to expire three months from the mailing date of the new Office Action.

Respectfully submitted,

Horst Georg ZERBE et al.

By:

A handwritten signature in black ink, appearing to read "Michael R. Davis", written over a horizontal line.

Michael R. Davis

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